



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 5, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-33747 - APPLICANT/OWNER: DANIEL SHANNON**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 17, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

### **\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend DENIAL.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for Rezoning from R-E (Residence Estates) to R-1 (Single Family Residential) on 1.08 acres at the southeast corner of Florine Avenue and Tomsik Street. An associated request for a General Plan Amendment (GPA-33746) from the RNP (Rural Neighborhood Preservation) to the L (Low Density Residential) designation has also been submitted. The subject site was recently Annexed (ANX-30397) into the City of Las Vegas, and is located within Excepted Area B of the Interlocal Agreement. The applicant anticipates that the subject site will be subdivided to create four single-family residential lots of approximately 11,700 square feet each. The proposed L (Low Density Residential) General Plan designation with the corresponding R-1 (Single Family Residential) zoning district is required to accommodate the proposed density of 3.78 units per acre that the four lots would create. As this density is greater than the density of 3.59 units per acre that is allowed by the Interlocal Agreement, staff is recommending denial of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
01/30/09	The subject site was Annexed (ANX-30397) into the City of Las Vegas.
04/23/09	The Planning Commission recommended denial of companion item GPA-33746 concurrently with this application.
	The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #17/sg).
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no related building permits or business licenses associated with the subject site.	
<b><i>Pre-Application Meeting</i></b>	
02/25/09	A pre-application meeting was held to discuss the submittal requirements for a General Plan Amendment and a Rezoning, including residential density restrictions.
<b><i>Neighborhood Meeting</i></b>	
03/25/09	A neighborhood meeting was held on Wednesday March 25, 2009 from 6:03 pm to 6:22 pm at the Mountain Crest Community Center located at 4701 N Durango Dr. Las Vegas, Nevada 89129. There was one representative for the applicant, nine members of the general public, one county liaison and one member of the Planning and Development Department staff present.
	The applicant explained that they were requesting a General Plan Amendment and Rezoning to create four parcels on the subject property. The members of the public were adamantly opposed to the request, and stated that the density should remain as stipulated in the Interlocal Agreement.

<b>Field Check</b>	
03/19/09	A field check was conducted by staff. The subject site is an undeveloped parcel of land. No issues were noted at the site.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	1.08 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	RNP (Rural Neighborhood Preservation)	R-E (Residence Estates)
North	Undeveloped	RNP (Rural Neighborhood Preservation) [Clark County]	R-E (Rural Estates, Residential District) [Clark County]
South	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Church / House of Worship	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
Interlocal Excepted Area B	X		N*
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

*\*Pursuant to the Interlocal Agreement, the areas identified as Excepted Area B shall remain designated at a density of no greater than 3.59 Units per Gross Acre on the City's comprehensive plan, and the City shall not amend its land use master plan, rezone such properties or approve special or conditional use permits to allow industrial or commercial uses or residential densities above 3.59 units per gross acre within the areas identified as Excepted Area B without first considering the recommendation of the other Party, which in this case is Clark County. The proposed L (Low Density Residential) General Plan designation would allow for a density of up to 5.49 units per acre.*

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	6,500 SF	46,093	Y
Min. Lot Width	65 Feet	150 Feet	Y

*At this time, a Site Development Plan Review is not required, nor has one been submitted. Development standards, including setbacks, lot coverage, building height, etc., shall be reviewed at the time of subdivision and/or issuance of building permits.*

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-E (Residence Estates)	Up to 2 Units per Acre	2 Units
<b>Existing General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
RNP (Rural Neighborhood Preservation)	Up to 2 Units per Acre	2 Units

<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-1 (Single Family Residential)	Up to 6 Units per Acre	6 Units
<b>Proposed General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
L (Low Density Residential)	Up to 5.49 Units per Acre	5 Units

*Pursuant to the Interlocal Agreement, the areas identified as Excepted Area B shall remain designated at a density of no greater than 3.59 Units per Gross Acre. The Zoning district and General Plan designation that allow the highest density within the Interlocal Agreement restriction is:*

<b>Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-D (Single Family Residential-Restricted)	Up to 3.96 Units per Acre	3 Units
<b>General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R (Rural Density Residential)	Up to 3.59 Units per Acre	3 Units

## ANALYSIS

This is a request for Rezoning from R-E (Residence Estates) to R-1 (Single Family Residential) on 1.08 acres at the southeast corner of Florine Avenue and Tomsik Street. An associated request for a General Plan Amendment (GPA-33746) from the RNP (Rural Neighborhood Preservation) to the L (Low Density Residential) designation has also been submitted. The subject site was recently Annexed (ANX-30397) into the City of Las Vegas, and is located within Excepted Area B of the Interlocal Agreement. Pursuant to the Interlocal Agreement, the areas identified as Excepted Area B shall remain designated at a density of no greater than 3.59 Units per Gross Acre on the City's comprehensive plan, and the City shall not amend its land use

master plan, rezone such properties or approve special or conditional use permits to allow industrial or commercial uses or residential densities above 3.59 units per gross acre within the areas identified as Excepted Area B without first considering the recommendation of the other Party, which in this case is Clark County. The proposed L (Low Density Residential) General Plan designation would allow for a density of up to 5.49 units per acre, thereby exceeding the maximum density allowed by the agreement.

Comments were received from the Clark County Department of Comprehensive Planning on April 14, 2009, stating that "Clark County is opposed to these applications. Staff believes that the City's equivalent to the County's land use designation of RL (3.5 du/ac) would be a more appropriate buffer between the R-E zoned lots to the west and the existing church to the east. In addition, the subject parcel is within the Excepted Area B which encourages densities to not exceed 3.5 (County) and 3.59 (City)."

The applicant anticipates that the subject site will be subdivided to create four single-family residential lots of approximately 11,700 square feet each. The proposed L (Low Density Residential) General Plan designation with the corresponding R-1 (Single Family Residential) zoning district is required to accommodate the proposed density of 3.78 units per acre that the four lots would create. If the number of subdivided lots were reduced from four to three, the proposed density would then be 2.78 units per acre, and could be accommodated by amending the General Plan designation to R (Rural Density Residential), with a corresponding zoning district of R-D (Single Family Residential-Restricted). The request would then conform to the Interlocal Agreement, and would be compatible with the existing adjacent land uses and zoning districts. As this request does not meet the requirements of the Interlocal Agreement, staff is recommending denial.

## **FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. "The proposal conforms to the General Plan."**

The proposed R-1 (Single Family Residential) zoning district conforms to the proposed L (Low Density Residential) General Plan designation, but the allowable density of the proposal exceeds the maximum allowable density as permitted by the Interlocal Agreement. The Clark County Department of Comprehensive Planning has indicated that they are opposed to this request.

**2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."**

The residential use allowed on the subject property by approving this rezoning is compatible with the surrounding residential land uses; however, the increased density allowed by the proposed R-1 (Single Family Residential) zoning district is not compatible with that of the surrounding zoning districts.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

There are no growth or development factors in the community that would indicate a need for or appropriateness of the rezoning. The Clark County Department of Comprehensive Planning has indicated that they are opposed to this request.

**4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The subject site is accessed by a 60-foot local street, which is adequate to meet the requirements of the proposed zoning district.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 4

**SENATE DISTRICT** 6

**NOTICES MAILED** 281 by City Clerk

**APPROVALS** 0

**PROTESTS** 3